

**PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A SPECIAL MEETING OF DECEMBER 14, 2004.**

**ATTENDANCE**

**COUNCIL:** Randy Menard – Chair (District 9), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

**ABSENT:** Rob Stevenson – Vice Chair (District 8)

**COUNCIL STAFF:** Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

**ADMINISTRATIVE STAFF:** Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Eleanor Bouy (Director of Planning, Zoning and Codes), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

**COMMENCEMENT**

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Special Council Meeting of December 14, 2004 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Bruce Conque was called upon to deliver the invocation and lead the Pledge of Allegiance.

**ORDINANCE FOR FINAL ADOPTION**

(TAPE 1)(SIDE A)(023) AGENDA ITEM NO. 3: O-274-2004 An ordinance of the Lafayette City-Parish Council amending Ordinance No. 0-286-2003 providing for the conditional removal of a portion of South Domingue Road lying between Ridge Road and Duhon Road from the Consolidated Thoroughfare Plan, motion to approve by Broussard, seconded by Mouton.

Upon questioning by Menard, Paul Miers, representing Mr. Montesano, began by explaining that the original plat (the property in blue) was originally part of the subdivision, which was the Stutes Sisters property. Shirley Stutes' property goes from that property all the way across the back of the K-Mart and that was always part of the development. At one time, all of that property was included in the development. It was going to be acquired. The Stutes Sisters have decided not to sell their property and he's understanding, from the original approval, any change to the plat constituted a change that had to come back to the Council. He explained that the original approval to remove the extension of Domingue Road was approved contingent upon the entire project being developed exactly as originally submitted. When the Stutes Sisters decided to withdraw their property from the process, then it was null and voided the original approval by the Council. Montesano has an option to buy Shirley Stutes property that expires tomorrow night. Assuming the Council approves or extends the removal, from the Major Thoroughfare Plan, of the Domingue Road Extension, it opened the project to go forward with the development and Montesano was prepared to buy the Shirley Stutes' property. If the Council doesn't remove it from the Plan, then it splits the property in two and the property is no longer suitable for the project and Montesano would not buy the property. Mr. Stutes stipulated a deadline of December 15, 2004 or the price would go up for his property.

Miers further explained that two things have changed. The Stutes Sisters' property is no longer part of the project and the alignment of Guidry Road has been shifted from Guidry to Town Center. The real issue is since the project was not developed as originally submitted, technically, Domingue Road Extension will be placed back onto the Major Thoroughfare Plan.

Upon questioning by Conque, Miers stated that the shift of Guidry Road to the Town Center Road constituted a change that was not exactly as originally submitted. Conque offered that, by moving Guidry Road, it has allowed for the construction of a patio home development and that is a dramatic change from the original plans. Conque then inquired as to the building of the road

behind K-Mart in 18 months as stated in Ordinance No. O-286-2003. Miers answered that with 5 months left, the road could possibly be started; however, the ordinance states that the infrastructure needed to be built in the 18-month period. When he met with PZC staff in August with the revised layout, they said it looked fine but it doesn't comply with the conditions of the ordinance. Therefore, he came back to the Council with PZC staff approval contingent upon Council reaffirming the removal of Domingue Road Extension from the Major Thoroughfare Plan. He added that much of this land is wetlands and permits will have to be acquired from the Corps of Engineers.

Broussard opined that the Council should have been told about the condition of Mr. Stutes' sale. The Council tabled the issue because they didn't have enough facts. Now, a Special Meeting had to be called because of a condition in the contract. Mr. Miers apologized. Menard reminded that the issue before the Council now is to approve the plat at it is changed with the relocation of the road or else Montesano can't build his project and will not buy the property. Miers continued that the change from what was initially proposed is Town Center was going to go all the way to New Hope Center. That has now changed so that Town Center would align with the current median opening and terminates at that point. There will be no cost to LCG, Carroll concurred.

Bouy explained that the 18-month period given for this project is a standard, construction build-out time and the entire development must be completed or the Letter of Credit is pulled. Broussard stated he wanted to make a revision to ensure the roads were built. He proposed that within 8 months, roads would be under construction and within 18 months everything else will be done. Miers agreed that 8 months would be reasonable. If approval is granted tonight, Montesano has authorization from the bank to begin construction of the patio homes but can't construct the golf course due to a pre-sell condition. If the golf course is to be completed in 18 months, construction must begin in June or July. Lots should be finished and selling in that same time and the clubhouse might not be built for another year or two. Menard clarified that the roads (Domingue Road Realignment and Town Center Realignment) would have to be completed in 18 months. Miers rebutted that Corps approval will take 4 to 5 months and there is no way he will build these roads in 3 months. The roads can be started in 8 months and completed in 18 months.

Upon questioning by Bourgeois, it was brought out that not all properties had been acquired in writing and that a drainage impact study had not been done on Rue de Belier where an underground passage was planned. Carroll expressed his concern regarding the lack of an impact study saying that it would probably cause some engineering challenges for that area.

Montesano disputed the fact that he was to build the road behind Chateau des Lions. He stated he gave the property to the City, in good faith, with the City's agreement that the City was going to pave the road. He argued that if the project is done, he is giving the land and is building the road behind K-Mart in less than 6 months. He also gave the rights of way (1500 feet to 1700 feet) to widen Target Loop. He also argued that Rue de Belier was supposed to be built in 2000 and it hasn't been started yet. Broussard rebutted that Montesano held LCG at bay for three years and that's why Rue de Belier was not built today.

Ottinger then read the following amendment: *to amend Section 2 by adding **Substantial work in accordance with approved plans for the construction of the public roads (specifically Domingue Road Replacement and the Alignment for Town Center Road as depicted on the Revised Plat approved by the Lafayette Planning Commission September 20, 2004) within the development shall be actually commenced on or before eight (8) months from the effective date of this Ordinance and (a) such construction shall be diligently prosecuted to completion and (b) all conditions of approval of the Revised Plat as stated in the Action Letter dated September 21, 2004, a copy of which is attached hereto and incorporated herein by this reference, being fully satisfied within eighteen months (18) of the effective date of this Ordinance. In the event the said conditions are not fully satisfied as determined by the Lafayette City-Parish Consolidated Government Department of Planning, Zoning and Codes, the removal of South Domingue Road Extension between Ridge Road and Duhon Road as set forth herein shall be rescinded and same shall be deemed to have never been removed from the Consolidated Thoroughfare Plan, and adding "fully" in front of "satisfied" at two places within this same paragraph***). The maker and the second accepted the amendment.

The Chair then called for the vote on the motion, as amended, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Stevenson

ABSTAIN: None

*Motion was unanimously approved.*

(TAPE 2)(SIDE A)(116) At this point, Benjamin requested that a Liaison Briefing be called to discuss the funding for the Fire Department for the last 3 quarters of the fiscal year. Stanley agreed to arrange a briefing with the Clerk.

**ADJOURNMENT**

(TAPE 2)(SIDE A)(175) There being no further business to come before the Council, Chair Menard declared the Special Council Meeting adjourned.

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NORMA A. DUGAS, CLERK  
LAFAYETTE CITY-PARISH COUNCIL